

An Innovative Partnership Between the City of Seattle & the US Army Corps of Engineers For Regulatory Permitting

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ABSTRACT

Seattle Public Utilities provides over 1.3 million customers each day with a reliable water supply, essential sewer, drainage, solid waste and engineering services that safeguard public health, maintain the City's infrastructure, protect, conserve and enhance the region's environmental resources. Capital construction is a major component of providing high quality service to our customers. It is the intent of the City of Seattle to be a model of an environmentally responsible developer. Environmental protection is a key element in all phases of the capital improvement process from planning, preliminary engineering, design, construction, commissioning, and on going operations. With the recent addition of salmon and bull trout to the threatened and endangered species list under the Endangered Species Act, requirements and lead times associated with permits under federal jurisdiction have taken considerably longer, become more complex and increased project costs. The City of Seattle and the US Army Corps of Engineers entered into a Memorandum of Understanding under the Water Resource Development Act of 2000, which has enabled the two agencies to partner together to improve processes, communications, knowledge and results. This paper explains the processes developed, the problems encountered, our method for working through the problems and the benefits accrued. The City of Seattle and the US Army Corps of Engineers were the first in the Seattle District, and in the nation to implement the 2000 Water Resource Development Act. Other public agencies have this same opportunity to participate in the program with their US Army Corps of Engineers District Office's. Our experiences and non-traditional regulatory approach may be beneficial to other public agencies involved in capital improvement programs. Our approach has helped the City of Seattle design, permit, and construct and operate our capital improvement projects in scope, schedule, and budget and as an environmental model.

KEYWORDS

Permits, Federal Permits, Capital Improvement Projects (CIP), scope, schedule, budget, Endangered Species Act, Clean Water Act, Water Resource Development Act, cost savings, federal nexus, consultation, US Army Corps of Engineers, National Marine Fisheries Services, US Fish and Wildlife Service, NOAA-Fisheries, City of Seattle, Seattle Public Utilities, non-federal government agencies, capital construction, environmental, fish species, fish protection, construction windows, process times, business process.

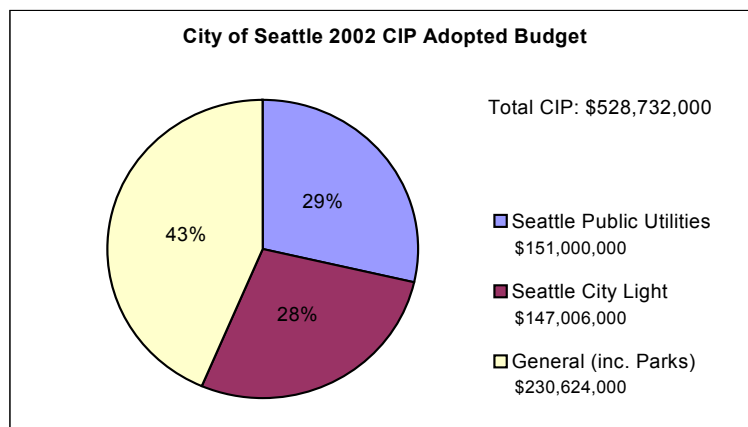
INTRODUCTION

Seattle, like many municipalities across the nation, has the responsibility to provide millions of customers each day with a reliable water supply, essential sewer, drainage, solid waste, roads, parks and engineering services that safeguard public health and safety. Capital construction is a major component of providing high quality service to Seattle's customers. The public's demand for tighter fiscal spending along with the need to avoid, minimize or mitigate for unavoidable adverse environmental impacts can pull an entity in two separate directions. This is further complicated by Federal, State and local permit processes that are often opaque to applicants. Many projects often require Department of the Army (DA) permits from the Corps of Engineers (Corps) for work in waters of the United States. The 2000 Water Resource Development Act (WRDA) allows better teamwork and response time between the Corps and public agencies by allowing public monies to fund Corps personnel dedicated to reviewing a public agency's permit proposals.

Problem

The City of Seattle has an annual capital improvement program (CIP) budget of nearly \$530 million dollars (See Figure 1).

Figure 1 - City of Seattle 2002 CIP Adopted Budget



Many of these CIP projects need to be reviewed for DA authorization prior to construction. The City's ability to manage scope, schedule and budget, however, was often reduced by the City's limited interaction with the Corps. The federal nexus of a DA permit often requires consultation with other federal agencies under the Endangered Species Act (ESA), prior to issuing a permit. This directly and indirectly influences the City's (& the Corps) ability to manage CIP scope, schedule and budget. Nationally, over the past decade there has been a significant increase in species listed as threatened or endangered under the Endangered Species Act (ESA) by the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Services (USFWS: 1991 total of 672 species; 2001 total of 1,254 species; *See Figure 2 & 3*). For example, the 1999 listing of several fish species under the ESA by the NMFS and the USFWS greatly increased review time, information requirements, and often resulted in significant design changes at 90% design completion stage. All of these factors increased the City's project costs both directly by requiring additional information and design changes as well as indirectly by extending schedules, causing

problems with long lead time bid items and hampering the City’s ability to award contracts and notices to proceed with work. Work is further limited to specified “fish protection construction windows”.

Figure 2 - U.S. Fish and Wildlife Service: Listed Species Range by State/Territory

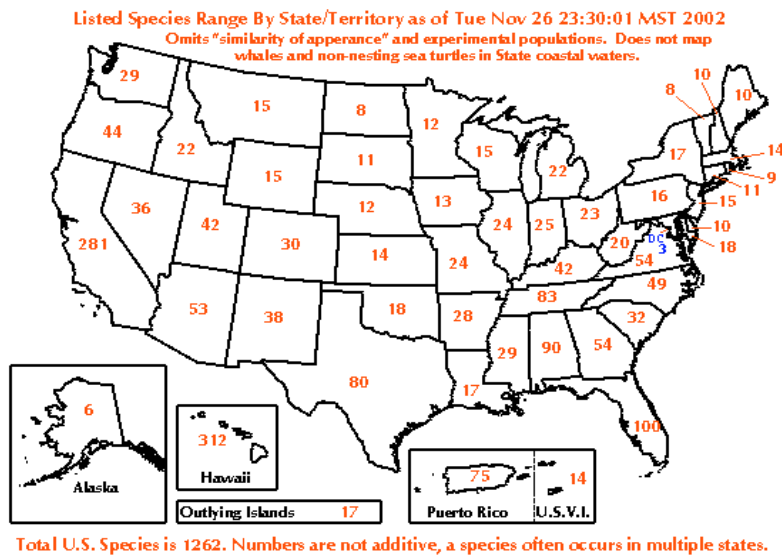
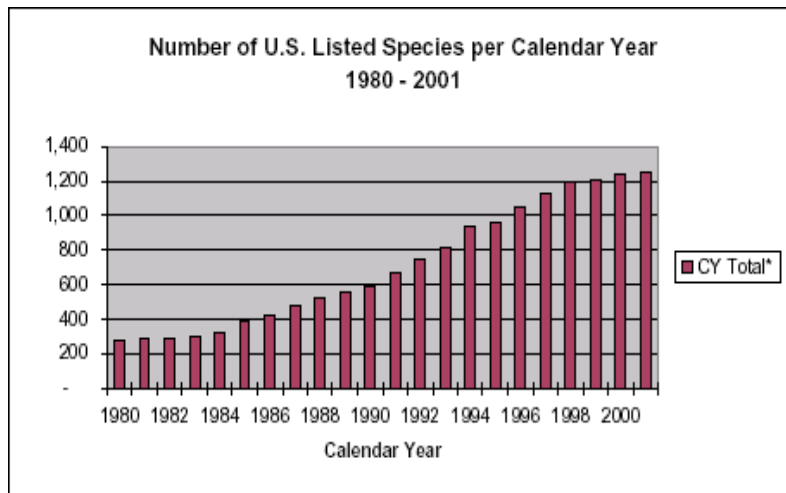


Figure 3 - Number of U.S. Listed Species per Calendar Year 1980-2001

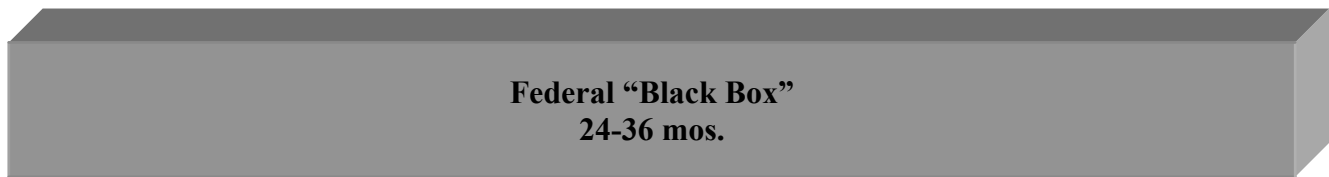


Other changes in the legal and permitting environment also prevented strategic responses by the City and the Corps. Altered nationwide permit conditions, resolution of court cases and new definitions have all created changes in how the Corps fulfills its responsibilities under the Clean Water Act and the Rivers and Harbors Act which in turn altered project requirements.

Many problems with planning stemmed from a lack of understanding between the Corps and the City of Seattle of each other's business processes. The City did not understand that the Corps does not control the response time or informational needs of the Services (See Figure 4: "Black Box"). The Corps did not understand that the City needs to go through steps other than permitting before constructing a project. These steps combined with allowable construction windows created a do or die scenario for project managers. If the project manager missed a deadline, the construction time windows would often force a project to be delayed until the following construction season and fiscal year.

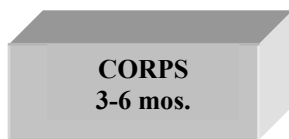
Figure 4 - "Black Box"

Perception: Pre-WRDA

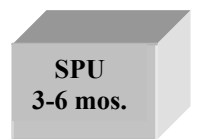
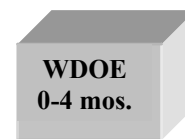
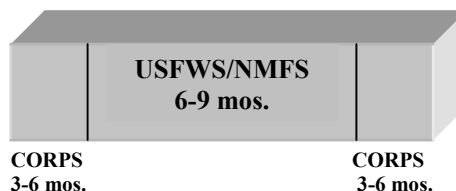


Reality: Pre-WRDA

No Consultation Required

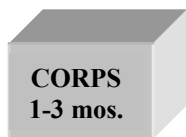


Informal Consultation

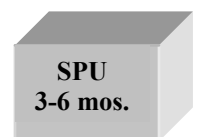
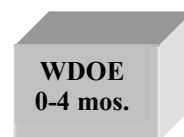
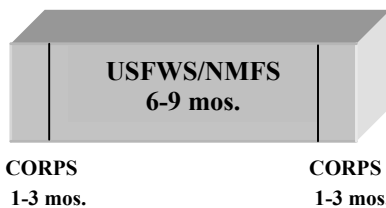


Reality: Post-WRDA (after Dec. 2001)

No Consultation Required



Informal Consultation



A Tool to Help

The Water Resource Development Act (WRDA) of 2000 provided a means by which the City, in cooperation with the Corps, could make the Federal permit process more transparent and allow greater responsiveness to the City's needs. By funding a full time employee (FTE), the City could prioritize those projects that have immediate needs. Currently, unless directed by management, headquarters, Congress or the President, cases are prioritized on a received basis. If the City had

fourteen projects in process, the earliest submitted was the priority. The Corps tracks response time to measure responsiveness.

A WRDA funded employee can react independently of the normal prioritization process. The City could then shift priorities to take advantage of a work window, relative importance of a project for public health, safety, environmental or social needs, engineering design changes or funding issues, such as grant or matching dollar expiration dates. The Corps employee, while still representing the Corps, provides the “one door to the Corps” and facilitates communications. The Corps employee is more available for pre-application and/or informational meetings to discuss projects and provide insight on permitting and consultation requirements, environmental concerns and informational needs. Consequently, the City better understands the permitting implications of alternative designs, construction and operational impacts when evaluating design alternatives, as well as developing a more realistic scope, schedule and budget.

All WRDA funding agreements have to go through a public notice period. The Seattle District Corps received a few comments regarding the perception of impartiality and questions of how Corps employees could maintain an objective perspective. To maintain impartiality any WRDA funding can not pay for supervisory responsibilities or enforcement actions, the DA signature level for all WRDA issued permits is elevated one step and all WRDA project permits are listed on the Corps public web page.

The Corps and the City of Seattle have had to position themselves to implement the WRDA agreement. Both entities identified a point of contact. The Corps had to ensure that it had appropriate accounting and reporting procedures in place besides the required public notices. The City of Seattle had to organize its departments to work through their point of contact. This prevented inundating the Corps with questions from multiple City project managers with differing priorities.

Findings

Reduced Permitting Time (Queue Time): Prior to the 1999 listing of salmonid species under the ESA, the average permit processing time was 50 days for City of Seattle CIP projects that needed DA permits from the Corps. After the salmonid listings, the permit review time jumped to 478 days for all permits, and as high as 730 days for projects with informal consultation. After the WRDA was instituted, the permit review time was reduced significantly to near pre-ESA listing permit processing times. Refer to Figure 5. The City has further analyzed the results and have determined that City projects which are designed to have no effect on listed species and fall under a Nationwide Permit (NWP), had a permit process reduction time of nearly 87% (See Figure 6, Permit Process Time Before and After ESA & WRDA). The primary driver in the reduced permit processing time appears to be the time “waiting in the queue”, which is avoided with the WRDA process, followed by improved quality of permit applications.

Figure 5 - Permit Process Time Before and After ESA Listings and WRDA: All Permits

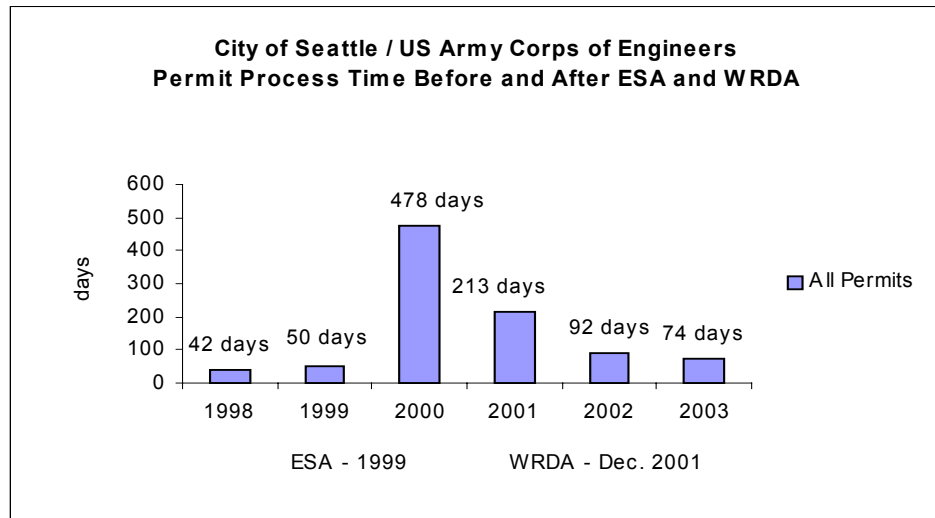
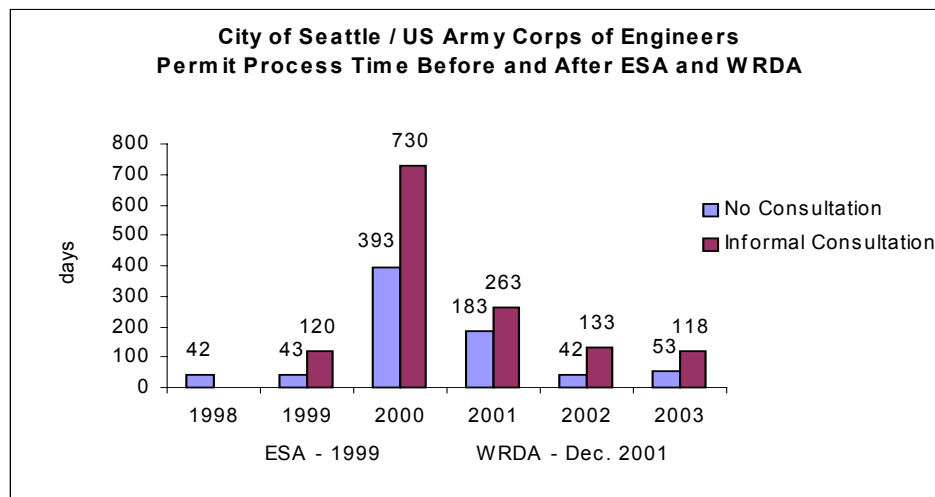


Figure 6 - Permit Process Time Before and After ESA Listings and WRDA: No Consultation vs. Informal Consultation



Priority Projects Reviewed First: Another positive benefit has been the fact the City has been able to communicate which permit applications are the highest priority and communicate that to the Corps staff. Priorities are not necessarily established by order submitted, but are based on importance to the City based on factors including, but not limited to, grant funding, other funding constraints, public health and safety, and public benefit. The City does not expedite all of their permit applications. City staff have been able to work collaboratively together to establish priorities.

City Staff Better Educated on Federal Process & Requirements: WRDA has allowed the Corps to develop joint training sessions to educate the City of Seattle on the ever-evolving permitting requirements and process and project scope/design features which trigger federal review. Joint training sessions have benefited over 400 planners, designers, project managers and inspectors.

These educational sessions, along with bi-monthly “Informal Pre-Application Meetings” held for City CIP projects has helped City project managers, designers and managers to better understand the federal permitting requirements. This in turn has improved the type of design, quality of design work and application package, as well as resulted in further avoidance and/or minimization of environmental impacts associated with the construction and operation of CIP projects.

Communications is the Key: Communications has improved immensely between the City of Seattle and the Corps since the WRDA Memorandum of Agreement was put into place. What used to be response times of months, weeks, days or never in getting answers to questions, is now much reduced in time. Having a single point of contact within each agency has helped facilitate this. The better the communication and cooperation of the non-federal agencies, the better the benefits derived. The theme of improved communications is also evident from other non-federal government agencies that are participating in the WRDA process. The Corps has found a spectrum of relationships between themselves and other non-federal governmental agencies (from “Non-Cooperation to Full-Partnerships”). It is the City of Seattle’s recommendation to other governmental agencies that work with the Corps to create a positive working relationship. Refer to Table 1.

Table 1 - Guiding Principles on How to Create a Positive Working Relationship

Guiding Principles on How to Create a Positive Working Relationship
1. Treat each other with respect
2. Learn as much as you can about the process and business/regulatory requirements
3. Be an active listener and open communicator
4. Be responsive to Corps’ requests for information
5. Clearly articulate a project’s needs and objectives in the context of the Corps regulatory requirements
6. Politely and professionally ask questions
7. Be receptive to constructive feedback and act on it!
8. Don’t shoot the messenger

Need to Create a New Business Process: In order to implement the WRDA, the City needed to create some new business processes, as well as to enhance the working relationships and communications amongst the various City Departments which have historically worked very autonomously. New forms of communication, teamwork and business processes have been developed to assist with the implementation of the WRDA. These processes have been grass roots, low tech, and are reproducible in or between any governmental agencies, provided there is a supportive organizational culture. To improve consistency in the quality of information shared with the Corps, several standardized forms have been developed and utilized to help staff focus on the key issues associated with Corps jurisdiction association with CIP projects. An interim “Permit Tracking System” has been developed and implemented for tracking of all city projects requiring

federal permits. This tracking system not only helps the City keep a centralized historical record in case of staff turn-over, but it also produces reports to help staff and supervisors manage the critical path of federal permits (See Figure 7). A web-site has also been launched at <http://www.cityofseattle.net/util/corpspermit/default.htm> which allows for up-to-date information to help project managers, designers, inspectors and managers access critical information to manage CIP (See Figure 8). Continuous improvement and quality customer service are important values to the City of Seattle. To further these goals, a *Customer Satisfaction/Feedback Form* has been developed and is utilized to help the City and the Corps learn from past actions and improve the WRDA process. (Refer to Figure 7)

Figure 7 - Business Process Improvements – Forms Developed by the City of Seattle

CITY OF SEATTLE/US ARMY CORPS OF ENGINEERS Informal Pre-Application Meeting- April 29, 2003								
Top Priority Projects: <i>These are the projects that are most critical for the city and most in need of Corps assistance in matching Corps review and timing with the project schedule.</i>								
Dept.	Project Name	Project Manager	Permit Type	Corps Reference	Corps Contact	Date Applied	Date Issued	Comments
SPU	Meadowbrook Detention Pond	Gary Lockwood		2003-00216	Suzanne Skadowski	2/25/03		4/29/03: Corps waiting for revised drawings. May be permitted as individual permit.
SPU	Longfellow Creek Yancy III	Tracy Gill		2003-00410	Suzanne Skadowski	4/14/03		4/29/03: Application received; Suzanne may request revised drawings. Likely NWP 27.
Parks	Sunnyside Ave. Boat Ramp	Kevin Stoops		2003-00052	Suzanne Skadowski	1/15/03		4/29/03: Suzanne is waiting to hear back from USFWS.
Corps Approved Priority Projects: <i>These are the projects that have been approved by the Corps since we started meeting in February 2001.</i>								
Dept.	Project Name	Project Manager	Permit Type	Corps Reference	Corps Contact	Date Applied	Date Issued	Comments
Parks	Denny Blaine Bulkhead Replacement	Kevin Stoops	NWP 13	2002-00537	Suzanne Skadowski	5/28/02	9/13/02	10/17/02: NWP 13 issued on 9/13/02. 8/1/02: Application received at Corps; probably NWPs 3, 13 and/or 18 for bulkhead replacement.
Parks	Pier 62/63 Ph II	Rich Hennings	NWP 3	2002-00486	Suzanne Skadowski	5/14/02	8/1/02	8/1/02: Phase 2 of piling replacement and pier repairs. Issued NWP 3 for maintenance on 8/1/02.
SPU	Fauntleroy Creek Restoration	Chris Woelfel	NWP 27	2002-01049	Suzanne Skadowski	10/7/02	11/1/02	11/1/02: NWP 27 issued. 10/17/02: Pending NWP 27 for fish ladder maintenance/enhancement. Work may require ESA consultation.

**SEATTLE PUBLIC UTILITIES
ENVIRONMENTAL REVIEW & PERMIT COORDINATION**

**CITY OF SEATTLE & US ARMY CORPS OF ENGINEERS
Informal Pre-Application Meeting**

What Does Each Project Manager/Lead Need to Have Prepared?

1. **MAPS** (Prefer 8 1/2 x 11) See Masako Lo for examples
 - Vicinity Map
 - GIS Map – Showing bodies of water, critical areas, fish &/or wildlife at the site, or within 3 mile radius of the project site. Topography lines are helpful for surface water flow.
 - Site Map
 - Plan View
 - Cross Sec
 - Detail
2. **WRITTEN MATERIAL**
 - Complete
 - Joint Aqu
 - Complete
 - Lo has go
 - If there is above.
 - Blank Ele
3. **PHOTOS**
 - Aerial Photo
 - Site Photo

Who Should Attend the Meeting?

The Project Manager, or other team members are welcome.

When Do I need to be there?

It is recommended that you arrive 15 minutes early, in case we are having any time constraints, please arrive on time.

How many copies do I need to bring?

- 10 Sets of

**SEATTLE PUBLIC UTILITIES
ENVIRONMENTAL REVIEW & PERMIT COORDINATION
CITY OF SEATTLE & US ARMY CORPS OF ENGINEERS**

**GENERAL PROJECT DESCRIPTION FOR
Informal Pre-Application Meeting**

1. CITY DEPARTMENT:
2. PROJECT MANAGER:
3. PROJECT NAME:
4. TYPE OF PROJECT:
5. WHAT WATERSHED IS AFFECTED?
6. BRIEF SCOPE OF PROJECT:
7. PROJECT BUDGET:
8. WHEN IS THE PROJECT SCHEDULED TO BEGIN?
9. WILL THE PROJECT BE A MAJOR PROJECT?
10. HAS THERE BEEN ANY PREVIOUS PROJECTS IN THE AREA?
11. WILL THE PROJECT AFFECT ANY OTHER JURISDICTIONS?
12. DOES THIS PROJECT AFFECT ANY OTHER JURISDICTIONS?

**City of Seattle – US Army Corps of Engineers
2003 Informal Pre-Application Meeting Feedback Form**

Department/Division:
Name (Optional):
Meeting Date:

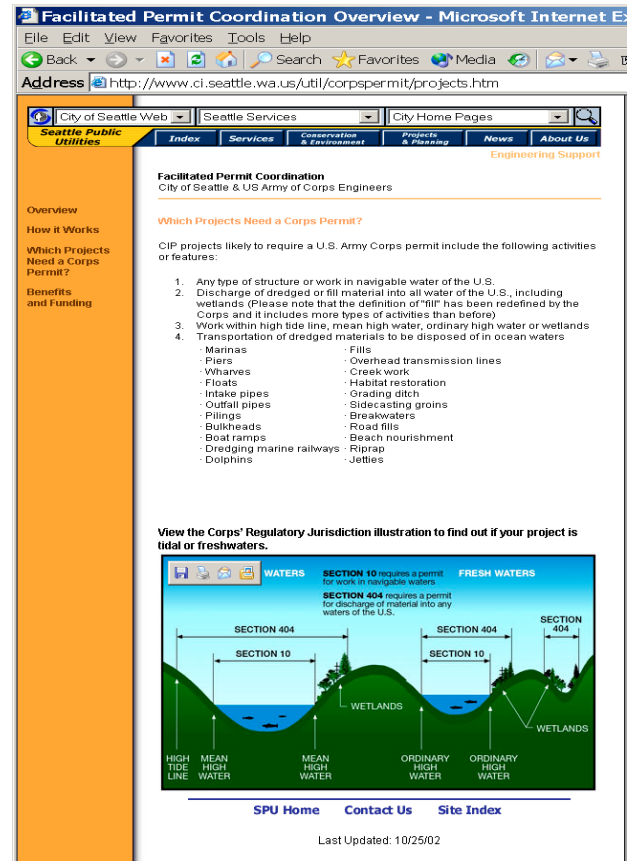
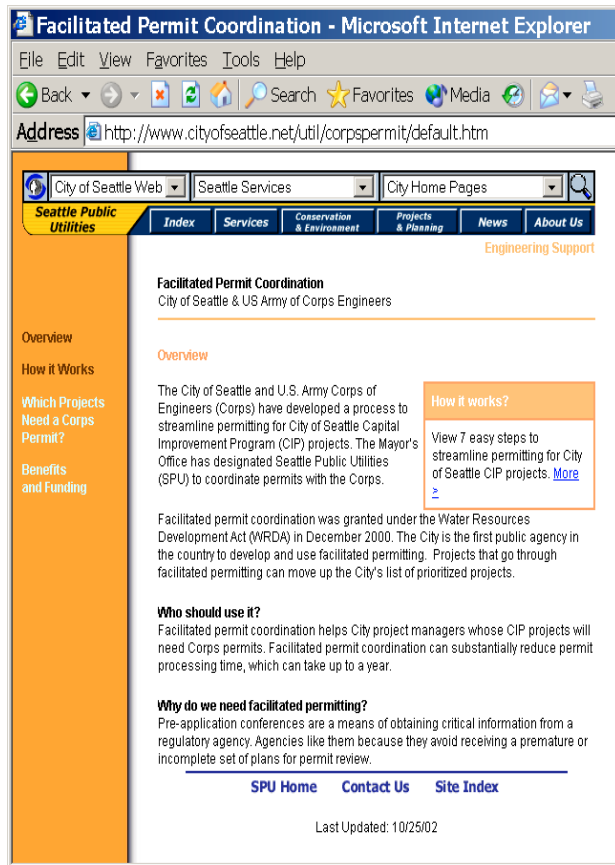
1=strongly agree
2=disagree
3=neutral
4=agree
5=strongly agree

1=relatively important
2=somewhat important
3=important
4=very important
5=extremely important

	Performance	Importance
Did you feel you had sufficient time to explain your project?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Was there sufficient time for good discussion of your project?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Was the feedback from the Corps helpful to you?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Do you have a better understanding of what you need to do regarding Corps, NMFS & USFWS requirements?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Do you have a better understanding of the timeline needed for Federal permits and application elements to include in your application package?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Will you be making change to your project design based on feedback you received from the Corps at the meeting?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Did the informal Pre-App meeting influence your proposed construction schedule?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Was the Informal Pre-App meeting beneficial?	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>

Comments:

Figure 8 - Web-Page Application to Improve Internal Communications



Better Information, Earlier in Process: We are moving from obtaining input on projects at 90% design to the planning, preliminary engineering and/or 30% design phases of project design. Getting comments earlier in the process has helped tremendously in designing CIP projects to meet federal permit requirements, as well as to improve scope, schedule and budgets associated with permitting requirements of CIP projects. In the past 18 months, 59 projects, representing nearly \$45 million dollars, have been discussed at bi-monthly “Informal Pre-Application Meetings” between the City of Seattle and the Corps (See Figure 9). Staff feedback indicates that these processes are extremely valuable efforts, and save both time and money (See Table 2). The results of these meetings have reduced costs in design by focusing the permit project scope, clarifying the schedule time requirements and eliminating unproductive actions that were budgeted while still providing better protection for the environment, including wetlands, habitat and species.

Figure 9 - \$ Value of Projects Needing Permits

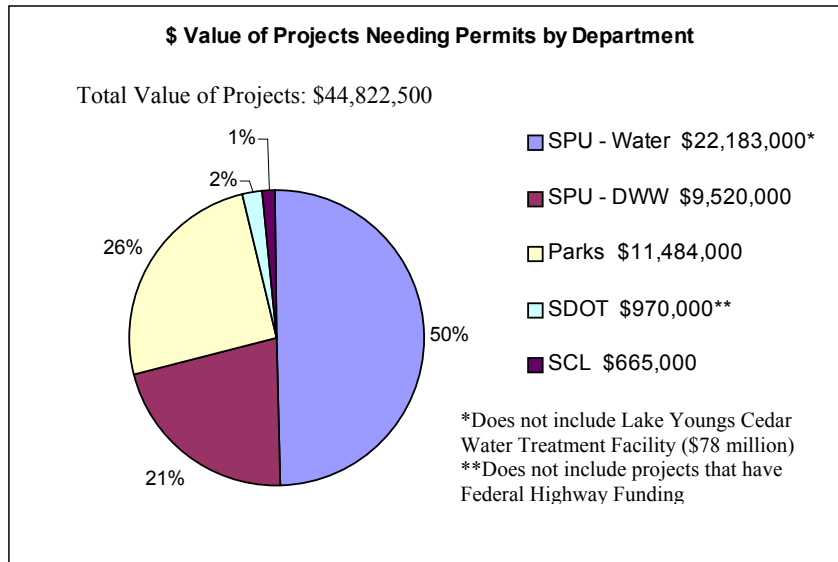


Table 2 - Customer Satisfaction with Informal Pre-Application Meetings

<i>Criteria</i>	<i>Meeting Performance (1-5, 5 being highest)</i>	<i>Importance (1-5, 5 being highest)</i>
➤ Was the feedback from the Corps helpful to you?	3.8	4.5
➤ Do you have a better understanding of what you need to do regarding Corps, NMFS & USFWS requirements?	3.3	4.7
➤ Do you have a better understanding of the timeline needed for Federal permits and application elements to include in your application package?	3.0	4.5
➤ Will you be making changes to your project design based on feedback you received from the Corps at the meeting?	3.1	4.1
➤ Did the informal Pre-Application meeting influence your proposed construction schedule?	3.1	4.5
➤ Was the informal Pre-Application meeting beneficial?	4.2	4.8

“The meeting was quite informative, especially for me and my project team members who are new to the project management/design group. We learned quite a bit about what the Corps is looking for in permit applications as well as how the Corps jurisdiction over a project is determined.” (Seattle Public Utilities)

“I had a very realistic idea of the timeline and requirements of federal permits prior to going to the meetings. I found the meetings helpful in giving me a reality check from the Corps viewpoint for the project impacts and the mitigation that was being offered as part of the project.” (Parks)

Costs to Date: After entering into the MOA with the Corps, the City of Seattle deposited \$100,000 into an account with the DA in December 2001. Originally we estimated that there would be a \$5,000 per project costs associated with the expedited review process. Actual costs from December 2001 through April 2003 have been \$51,217 for the entire City. As part of our working agreement, the DA tracks projects reviewed by project so that the City can charge back to CIP projects across the multiple Departments and funds. Actual costs for each City Department to date are outlined in Table 3. Actual costs by project have ranged from a low of \$21 to a high of almost \$8,000 for expedited Corps' review (See Table 4). The City is in the process of developing standard cost and time estimates for project managers to utilize while developing scope, schedule and budgets, according to the type, complexity and impacts a CIP project may have so that the cost of federal permit review is appropriately planned for in the CIP budgets. The City has also had to develop a mechanism for the lead City agency (Seattle Public Utilities) to bill actual charges against individual CIP projects to the various City Departments utilizing this service. Please note, however, that costs will vary with the seniority level of the Corps employee working on the projects. The City of Seattle has had both General Schedule (GS)-12 individuals who have vast experience and relatively new GS-7 and GS-9 individuals working on the projects. The City of Seattle has mainly used a GS-9 individual during this time period. Also, it is important to note that the City of Seattle pays not only the salary but also the overhead of the Corps employees and training. The Corps added new individuals for this position and put these individuals on a heavy training schedule to quickly bring the individual up to speed.

Table 3 - Costs to Date by Department

City of Seattle Department	2002: January – December	2003: January – April	Total Costs: January 2002 – April 2003
Seattle Public Utilities	\$26,275	\$7,636	\$33,911
Seattle Parks & Recreation	\$11,381	\$5,219	\$16,600
Seattle Department of Transportation (SDOT)*	\$0*	\$0*	\$0*
Seattle City Light	\$70	\$634	\$704
City of Seattle Total	\$37,727	\$13,490	\$51,217

*The federal funding agency is the lead federal agency with regards to ESA negotiations. FHWA has appointed WSDOT as the non-federal representative in negotiating with the Services. This accounts for the majority of the SDOT transportation projects that require Corps permits. The dollars reflected in this table are for projects which did not have any federal funding, but the construction activities fell within the Corps jurisdiction and required Corps permit. SDOT does not have any projects that have utilized WRDA due to federal funding sources of CIP projects.

Table 4 - Cost to Date by Department and by Specific Project

Dept.	Project Name	Actual Costs	Project Description/Permit
Parks	Atlantic City Boat Ramp	\$2,853	Boat launch facility improvements / NWP
Parks	Arboretum	\$190	Lakeside trail improvements / Individual
Parks	Colman Pool	\$21	Pool mechanical renovation / NWP
Parks	Denny Blaine	\$748	Bulkhead replacement / NWP
Parks	Pier 59	\$1,214	Piling replacement; repair / NWP
Parks	Pier 62/63 Phase I	\$791	Piling replacement and pier repair / NWP
Parks	Pier 62/63 Phase II	\$584	Piling replacement and pier repair / NWP
Parks	South Seward Park	\$1,628	Bulkhead removal, shoreline improvements / NWP
Parks	Sand Point North Shore	\$2,202	Shoreline improvements / Individual
Parks	Sand Point Off Leash Area	\$786	Shoreline improvements / NWP
Parks	Schmitz Preserve Park Daylighting	\$1,870	Parking lot removal; culvert replacement / NWP
Parks	Seacrest Park Marina	\$141	Beach maintenance / NWP
Parks	Sunnyside Boat Ramp	\$317	Boat ramp improvements / NWP
SCL	Gorge Power House Bridge	\$70	Bridge improvements / Exempt
SCL	Lake Union Utility Line	\$634	Overhead utility line replacement / NWP
SPU	Adair Creek	\$711	Creek restoration / NWP
SPU	Brandon Street Detention	\$676	Wetlands delineation
SPU	Chester Morse	\$7,958	Emergency lake outlet channel excavation / Individual
SPU	Fauntleroy Creek	\$265	Creek restoration / NWP
SPU	Jackson Park Detention	\$5,942	Detention ponds; stream rehabilitation / NWP
SPU	Korn Property	\$2,147	Fill and grade to create plantings / NWP
SPU	Lake Youngs Cedar Water Treatment Facility	\$3,169	Water treatment facility improvements/NWP
SPU	Landsburg Fish Passage	\$2,777	Fish passage / NWP
SPU	Meadowbrook Detention Pond	\$232	Forebay dredging / Individual
SPU	Pritchard Beach Outfall	\$147	CSO outfall pipe repair / NWP
SPU	Schmitz Park Landslide Repair	\$147	Emergency bank repair / Exempt
SPU	Taylor Creek Detention	\$5,317	Creek detention/Individual
SPU	Taylor Creek III Restoration	\$602	Stream restoration; bank stabilization / NWP
SPU	Thornton Creek NE 100 th & Lake City Way	\$30	Fish passage / NWP
SPU	Tolt Pipeline 2 Phase II&III Western	\$84	Pipeline / NWP
SPU	Tolt Pipeline 2 Phase II&III Eastern	\$106	Pipeline / NWP

Value Added

The City of Seattle has clearly experienced a positive value added benefit since entering into the MOA Section 214 WRDA provisions. Specific examples of value added include improved communications, both in terms of quality of information as well as vastly improved response times; increased predictability with respect to design requirements, scope, schedule and budget for CIP projects with federal nexus; improved environmental objectives in designs; reduced delays associated with federal permitting; and reduced design changes resulting in cost avoidance. These same value added themes are reflected by feedback received from other non-federal agencies participating in the WRDA Section 214 provision. Refer to Table 5.

Table 5 - Non-Federal Public Agencies Utilizing WRDA 2000: What's Working & What's Not

<i>Agency/Date of MOA</i>	<i>What is Working Well</i>										<i>What is Not Working Well</i>			
	Improved Communications	Single Point of Contact	More Predictability	Ability to Prioritize	Working Proactively	Dedicated, Responsive Resource	Reduced wait time/delays	Responsiveness to Inquiries	Process benefits smaller ports	City staff has better understanding	Sunset Clause	More Timely Billing Reports	Need improvement w/Services	Need More Time for Input
City of Seattle 12/2001	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	
Port of Seattle 2/2002	✓	✓	✓	✓	✓		✓		✓		✓			
Port of Tacoma 2/2002	✓	✓			✓				✓		✓			
King County 10/2002	✓			✓			✓				✓	✓		
Snohomish County 4/2003	✓							✓			✓			✓

City of San Diego* Public Comment Period 4/2003											✓			✓
Port of Los Angeles* Public Comment Period 4/2003											✓			✓

*Still pending signing of MOA

While the visual benefits to the non-federal entities participating in WRDA agreements are direct and visible the public has also benefited. The Seattle District Corps has increased the number of full time employees as a result of WRDA funding. These individuals hired in preparation of WRDA implementation now share the workload. While WRDA entities have their projects moved to the front of the line, these same projects were removed from other project managers who could now concentrate on the remaining projects. While it may not seem a vast relief, many of the WRDA projects are large and complex often consuming time and resources of the Corps. The WRDA entities also have numerous projects that they have submitted for review. Removing these projects from the queue of the remaining project managers moves other projects up in line quicker than would have been possible without WRDA. In addition, spare time by WRDA funded Corps employees is used to work on other projects as well. So, in summary, the Corps has increased the number of employees reviewing projects for the public, thus reducing the Corps' response time on all projects.

Problems of the Process from the Corps' Perspective

Problems revolving around WRDA implementation centered on shifting priorities, balancing workload, communications and public perceptions. The Corps' employees, hired in advance of implementing the WRDA process, have had to alter their own perceptions and shift priorities as a result of the WRDA process. The idea how to prioritize WRDA projects had not been fully communicated to the staff and not considered in the impact it can have on an employees other responsibilities. Having an employee working part-time on WRDA projects interferes with other work. Communication between the Corps and the WRDA entities was initially problematic. Working out communication standards and lines of contact were not as easy as thought. Both organizations continued to communicate through the old channels confusing workers on both sides. Lastly, the public perception of bias in the Corps employees was difficult for employees to understand. Corps employees take pride in their objectivity and commitment to protecting the aquatic ecosystem. To hear that some individuals of the public would think that funding from an outside source would alter their perspective was insulting. By hiring full time Corps employees, the Corps removed any temptation that funding would have. If funding disappeared the employee would remain a Corps employee.

The Corps has already made some alterations to working out new agreements. First, the Corps and the new funding entity would sit down and discuss perceptions and ground rules. Second, if the Corps employee is only partially funded, i.e. 50% funded, then the employee sets aside only 50% of the week to work on those projects. Other work gets done in the remaining time. Finally, the Seattle District recommends that an agreement is completed by each entity. Public entities should not co-sign agreements because the actions of one public entity can interfere with the agreement of another public entity.

Problems of the Process from the City of Seattle's Perspective

Overall the City of Seattle is very pleased with the WRDA Section 214 MOA process. There are areas that could be improved to enhance a good system to make it even better. These enhancements include an improved billing/accounting process which gives more timely billing information from the Corps to the City, and in turn, how the City internally bills CIP projects. Another area for improvement the City sees is in the interaction and timing issues associated between the Corps and the Services (NMFS and USFWS). Unlike other agencies (See Table 6), the City does not currently have a similar expedited agreement with the Services. This has resulted in perceived or potential significant delays to permit projects that require ESA Section 7 consultation (formal and/or informal consultation).

Table 6 - Working Arrangements with Services on Non-Federal Public Agencies Using WRDA

<i>Agency</i>	<i>Date MOA/IPA</i>	<i>Type of Arrangement</i>	<i>Comments</i>
City of Seattle	Negotiating 2003	Preferred Option is 1 FTE jointly shared between NOAA-Fisheries* & UFWFS	Unknown whether or not this type of arrangement has been done in the past
Port of Seattle	2001	Share 1 FTE NOAA-Fisheries (IPA)	NMFS* position shared with Port of Tacoma; USFWS staff time charged against Port of Seattle funded account
	2002	Cooperative Agreement w/UFWS	
Port of Tacoma	2001	Share 1 FTE NOAA-Fisheries* (IPA)	NMFS* position shared with Port of Seattle; USFWS staff time charged against Port of Tacoma funded account
	2002	Cooperative Agreement w/UFWS	
King County	2000	Seattle District of US Army Corps of Engineers approved King County per 50 CFR 402.08 as non-federal representative for informal consultations with USFWS & NOAA Fisheries as required by ESA Section 7;16 USACE§1536 (a)(2)	Lead-time to Develop Trust once implemented. Is working well now.
Snohomish County	2002	1 FTE NOAA-Fisheries	Have had arrangement in place for 1 year and is working very well
City of San Diego	?	Pending Info	

Port of Los Angeles	?	Pending Info	
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*The National Marine Fisheries Service (NMFS) is/has changed it's name to NOAA – Fisheries effective approximately 2003.

The City of Seattle does have a positive cooperative working arrangement amongst the principal Departments involved with City of Seattle CIP projects which most often require federal permits. However, even with the City's internal positive working relation, there do exist potential internal process/system improvements. These improvement include, but are not limited to: improved centralized permit tracking system (in development); improved internal billing process for Federal Services; improved communications or information with new/existing project managers and consultants.

Another key area of confusion has resulted in the perception of City staff that since the City has entered into a Section 214 WRDA MOA with the Corps that every city project automatically is expedited, and a top priority. This is not the case. Each project manager is responsible for working with his/her department liaison to request expedited status, and the department liaisons work together to establish the expedited priority list. The City continues to be challenged with ensuring that project managers understand that they need to submit their projects in a timely manner, which includes a lead time large enough to accommodate a potential review of 12-18 months (versus "I need the permit in 4 weeks or tomorrow". The City also needs to improve the QA/QC of all applications submitted to the Corps whether by internal staff or by a consultant. This quality control will help to ensure the format and the basic information included for the Corps review is complete so that the review of the application can begin without the delay associated with incomplete submittals. To help address many of these needs, the City of Seattle has developed a webpage to help users (internal staff and consultants) with basic information associated with the facilitated federal permit process. The webpage address is <http://www.cityofseattle.net/util/corpspermit/default.htm> (Refer to Figure 8).





Where Does the City of Seattle Go From Here?

Improved QA/QC of city applications: The City is working on internal processes such as a checklist, supervisor and or Environmental Coordinator sign-off on all applications (internal or consultant prepared) to improve QA/QC of applications.

Working with Services: The City of Seattle does not have a MOA or IPA with USFWS and NMFS, as some governmental agencies do (refer to Table 6). The City continues to experience long queue times resulting in project delays and increased costs. The City of Seattle is aggressively working with the Services to develop a similar type of expedited arrangement with both of the services. Currently the City is exploring three options: Do nothing; Fund a position or MOA with each of the Services; Share a joint position between the NMFS and USFWS. The later option is the City's preferred option, but has not been instituted anywhere else in the nation. See Figure 10.

Figure 10 - Options with USFWS and NMFS

<u>Option</u>	<u>NOAA Fisheries</u>	<u>USFWS</u>	<u>Total Cost</u>
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A	0	0	\$0 to Services \$\$ Cost of Delays
B		\$100,000	\$200,000
C		\$100,000	\$200,000
D	1/2 	1/2 	\$100,000

Reauthorization of WRDA

As of the writing of this paper in May 2003, it appears highly unlikely that a WRDA 2003 bill will be introduced in Congress. A coalition of non-federal government agency inter-governmental staff are working together to extend authorization of WRDA Section 214 until September 2005, with the ultimate goal to remove the sunset clause altogether. The current proposed strategy is to work with the congressional delegation to add authority to extend the WRDA Section 214 onto an “Appropriations Bill”. Each non-federal governmental agency is working with their designated “Intergovernmental Relations Liaison” to communicate value, need and urgency associated with lifting the WRDA 2000, Section 214 sunset clause. At the time this paper will be presented in Los Angeles in October 2002, the status of the Section 214 sunset clause will be known. A status update will be provided at that time. Potential outcomes include:

1. Sunset clause lifted (signed by congress and President Bush) on or before 9/30/03 – Program continues as is without interruption. Both the City of Seattle and the Corps would continue to improve the process through communication and teamwork.
2. Sunset clause remains in place – Program stops 9/30/03. Projects that are in the process would most likely be shifted to the time priority. Exceptions to this would probably arise based on the extent to which a project’s review has been completed and the extent that a project may be ready to issue. Employees who were hired at the Corps in response to the WRDA agreement would then be reassigned in Regulatory with other projects. The Corps may have to reassign some regulatory employees to other departments temporarily if there are no available spaces in Regulatory. Regulatory may also leave some vacancies open that are no longer funded. Impacts to the WRDA entities would include a change in planning timeframes. Large complicated projects could end up being more costly.
3. Sunset clause lifted, but not signed prior to 9/30/03 - The most likely scenario in this case is that the Corps would shift projects somewhat back to the order in which they arrived but that changes would be dependent on how quickly the President would sign the legislation. The Corps could not expedite WRDA projects without the funding. However, to make changes knowing the change would be short term may cause more confusion and disruption that would cost the public more time than keeping the WRDA projects on an existing line. Again, the reaction is dependent on the situation.

Where Does the US Army Corps of Engineers Go from Here?

While the Corps has benefited from the WRDA process in that it has been able to improve its service to the public, the Corps is and must remain unbiased on this legislation. The Corps will try to situate itself to reduce any adverse impacts that WRDA reauthorization may produce. In addition, it appears that the interest in using WRDA is increasing and additional entities will take advantage of this process if it is re-authorized.

CONCLUSION

While the City has definitely benefited from this arrangement, the public has as well. The Corps has been able to employ an additional person to review the City's projects and as a result reduce the amount of projects handled by the remaining Corps project managers. In a sense the remaining projects get a boost by not waiting in line behind City of Seattle projects. The Corps has also been able to reduce backlog and stress on remaining employees. One concern, however, is the lack of reauthorization of the WRDA process. The current WRDA language terminates public funding at the end of the 2003 fiscal year. The Seattle District will have to look at cutting back on certain programs or reducing its staff if WRDA is not extended. If this should happen, then the public entities, the Corps and the public at large lose the benefit that the WRDA authorization created.

Most importantly, this tool is available to public agencies nationwide. As of May 2003, while the Los Angeles District, Corps of Engineers, has initiated the process with both the Port of Los Angeles and the City of San Diego, only the Seattle District has established funding agreements. The Seattle District now has agreements with the Port of Seattle, Port of Tacoma, King County, Snohomish County as well as the City of Seattle. Other public agencies may find that they can save time and money by utilizing this new tool available in WRDA.

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Department of Ecology
<http://www.ecy.wa.gov>

National Marine Fisheries Service
<http://www.nmfs.noaa.gov>

U.S. Army Corps of Engineers, Seattle District

<http://www.nws.usace.army.mil>

U.S. Fish and Wildlife Service

<http://www.fws.gov>